

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 315

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; REPEALING SECTION 33-515B, IDAHO CODE, AS ADDED BY SECTION 6 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, RELATING TO REDUCED ENROLLMENT, CONTRACT TERMINATION AND SEVERANCE STIPEND; AND AMENDING SECTION 33-1003, IDAHO CODE, AS AMENDED IN SECTION 12 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO PROVIDE FOR SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM DURING THE PERIOD JULY 1, 2011, THROUGH JUNE 30, 2012.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-515B, Idaho Code, as added by Section 6 of Senate Bill No. 1108, First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby repealed.

SECTION 2. That Section 33-1003, Idaho Code, as amended in Section 12 of Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM. (1) Decrease in Average Daily Attendance for 2011-2012 School Year. -- For any school district which has a decrease in total average daily attendance of three percent (3%) or more of its average daily attendance in the 2011-2012 school year from the total average daily attendance used for determining the allowance in the educational support program for the 2010-2011 school year, the allowance of funds from the educational support program may be based on the average daily attendance of the 2010-2011 school year, less three percent (3%). When this provision is applied, the decrease in average daily attendance shall be proportionately distributed among the various categories of support units that are appropriate for the district. The legislature hereby encourages boards of trustees to actively pursue alternative funding to offset any reduction in funds stemming from the application of the provisions of this subsection (1). The provisions of this subsection (1) shall be null and void and of no force and effect on and after July 1, 2012.

(2) Application of Support Program to Separate Schools/Attendance Units in District.

(a) Separate Elementary School. -- Any separate elementary school shall be allowed to participate in the educational support program as though the school were the only elementary school operated by the district.

(b) Hardship Elementary School. -- Upon application of the board of trustees of a school district, the state board of education is empow-

ered to determine that a given elementary school or elementary schools within the school district, not otherwise qualifying, are entitled to be counted as a separate elementary school as defined in section 33-1001, Idaho Code, when, in the discretion of the state board of education, special conditions exist warranting the retention of the school as a separate attendance unit and the retention results in a substantial increase in cost per pupil in average daily attendance above the average cost per pupil in average daily attendance of the remainder of the district's elementary grade school pupils. An elementary school operating as a previously approved hardship elementary school shall continue to be considered as a separate attendance unit, unless the hardship status of the elementary school is rescinded by the state board of education.

(c) Separate Secondary School. -- Any separate secondary school shall be allowed to participate in the educational support program as though the school were the only secondary school operated by the district.

(d) Elementary/Secondary School Attendance Units. -- Elementary grades in an elementary/secondary school will be funded as a separate attendance unit if all elementary grades served are situated more than ten (10) miles distance from both the nearest like elementary grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools. Secondary grades in an elementary/secondary school will be funded as a separate attendance unit if all secondary grades served are located more than fifteen (15) miles by an all-weather road from the nearest like secondary grades operated by the district.

(e) Hardship Secondary School. -- Any district which operated two (2) secondary schools separated by less than fifteen (15) miles, but which district was created through consolidation subsequent to legislative action pursuant to chapter 111, laws of 1947, and which school buildings were constructed prior to 1935, shall be entitled to count the schools as separate attendance units.

(f) Minimum Pupils Required. -- Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county support program unless the school has been approved for operation by the state board of education.

(23) Remote Schools. -- The board of trustees of any Idaho school district which operates and maintains a school which is remote and isolated from the other schools of the state because of geographical or topographical conditions may petition the state board of education to recognize and approve the school as a remote and necessary school. The petition shall be in form and content approved by the state board of education and shall provide such information as the state board of education may require. Petitions for the recognition of a school as a remote and necessary school shall be filed annually at least ninety (90) days prior to the date of the annual meeting of the board of trustees as established in section 33-510, Idaho Code.

Within forty-five (45) days after the receipt of a petition for the recognition of a remote and necessary school, the state board of education shall either approve or disapprove the petition and notify the board

1 of trustees of its decision. Schools which the state board of education
2 approves as being necessary and remote shall be allowed adequate funding
3 within the support program for an acceptable educational program for the
4 students of the school. In the case of a remote and necessary secondary
5 school, grades 7-12, the educational program shall be deemed acceptable
6 when, in the opinion of the state board of education, the accreditation stan-
7 dard relating to staff size, established in accordance with section 33-119,
8 Idaho Code, has been met. The final determination of an acceptable program
9 and adequate funding in the case of a remote and necessary elementary school
10 shall be made by the state board of education.

11 ~~(34)~~ Support Program When District Boundaries are Changed.

12 (a) In new districts formed by the division of a district, the support
13 program computed for the district, divided in its last year of opera-
14 tion, shall be apportioned to the new districts created by the division,
15 in the proportion that the average daily attendance of pupils, elemen-
16 tary and secondary combined, residing in the area of each new district
17 so created, is to the average daily attendance of all pupils, elementary
18 and secondary combined, in the district divided in its last year of op-
19 eration before the division.

20 (b) When boundaries of districts are changed by excision or annexation
21 of territory, the support program of any district from which territory
22 is excised for the last year of operation before such excision shall be
23 divided, and apportioned among the districts involved, as prescribed in
24 paragraph (a) of this subsection.

25 (c) In new districts formed by consolidation of former districts after
26 January 1, 2007, the support program allowance, for a seven (7) year pe-
27 riod following the formation of the new district, shall not be less than
28 the combined support program allowances of the component districts in
29 the last year of operation before consolidation. After the expiration
30 of this period, the state department of education shall annually cal-
31 culate the number of support units that would have been generated had
32 the previous school districts not consolidated. All applicable state
33 funding to the consolidated district shall then be provided based on a
34 support unit number that is halfway between this figure and the actual
35 support units, provided that it cannot be less than the actual support
36 units.